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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 GREENTREE FINANCIAL GROUP, INC.,)

12 Plaintiff(s),)

13 WORLD NATION LIVE ENTERTAINMENT,)
14 INC.,)

15 Defendant(s).)
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Case No. 2:16-cv-00972-GMN-NJK

ORDER

(Docket No. 21)

17 Pending before the Court is Plaintiff's motion for entry of default judgment. Docket No. 21.
18 In this case, a default was entered as to Defendant. Docket No. 19. Once default has been entered,
19 the plaintiff may apply to the Court for entry of default judgment pursuant to Federal Rule of Civil
20 Procedure 55(b)(2). The choice whether a default judgment should be entered is at the sole
21 discretion of the district court. *See Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980).

22 A defendant's default alone does not entitle a plaintiff to a court-ordered judgment. *See id.*
23 Instead, the Ninth Circuit has determined that a court should look at seven discretionary factors
24 before rendering a decision on default judgment. *See Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th
25 Cir. 1986). These factors are: (1) the possibility of prejudice to the plaintiff; (2) the merits of
26 plaintiff's substantive claim; (3) the sufficiency of the complaint; (4) the sum of money at stake in
27 the action; (5) the possibility of a dispute concerning material facts; (6) whether the default was due
28 to excusable neglect; and (7) the strong policy underlying the Federal Rules of Civil Procedure

1 favoring decisions on the merits. *Id.* In applying these *Eitel* factors, “the factual allegations of the
2 complaint, except those relating to the amount of damages, will be taken as true.” *Geddes v. United*
3 *Fin. Group*, 559 F.2d 557, 560 (9th Cir. 1977); *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915,
4 917-18 (9th Cir. 1987). Plaintiff’s pending motion fails to address the *Eitel* factors. *See* Docket No.
5 21.

6 Accordingly, the Court hereby **DENIES** without prejudice Plaintiff’s motion for entry of
7 default judgment. Docket No. 21. Any renewed motion for entry of default judgment must be filed
8 no later than July 6, 2017, and shall address the *Eitel* factors outlined above.

9 IT IS SO ORDERED.

10 DATED: June 22, 2017.

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13 Nancy J. Koppe
14 United States Magistrate Judge
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